

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>GARY ALAN EBECK,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 09-3123-CV-S-GAF</b>
	)	
<b>MARTY C. ANDERSON, Warden,</b>	)	
<b>United States Medical Center,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

Now pending before the Court is Petitioner's Petition for Writ of Habeas Corpus in which he challenges actions of the Bureau of Prisons ("BOP"), alleging that his due process rights have been violated regarding disciplinary action taken against him at the Medical Center.

On September 4, 2009, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #12). On September 11, 2009, Petitioner's Exceptions to the Report and Recommendation of United States Magistrate (Doc. #13) were filed.

Upon careful and independent review of the pending motion, Petitioner's exceptions to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Petitioner is denied leave to proceed *in forma pauperis* and Petitioner's Petition for Writ of Habeas Corpus is dismissed without prejudice.

SO ORDERED.

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: September 18, 2009